

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

D. C. Form No. 100A Rev.

| TITLE OF CASE | | ATTORNEYS | | | |
|--|--------------|---|------------------------|-------|-------|
| <p>Arthur I. Taubman, Robert B. Reed, Joseph L. Parker, Robert G. Beach, J. L. Mills, Jr., A. N. Ward and Merlin C. Stickelber; and Oklahoma Aeromotive, Inc., an Oklahoma corporation,</p> <p>VS</p> <p>James F. Wardell and Herman E. Taylor</p> | | <p>For plaintiff:</p> <p>Louis Levy ⁵⁸⁴⁻²⁶⁵³ 1805 Fourth National Bank Bldg. Tulsa, Oklahoma 74119 (583-9135)</p> <p>For defendant: ⁴⁰⁵⁻⁵²⁸²³¹⁸ John R. Cain, Eugene Mathews ^{Jack Henry} Suite 204, Classen Terrace Bldg. 1411 N. Classen Blvd. Oklahoma City, Okla. 73106</p> <p>Boone, Ellison and Smith World Bldg., Tulsa ⁵⁸⁷⁻⁰⁰⁰⁵ ✓ Jim Jessup/</p> | | | |
| STATISTICAL RECORD | COSTS | DATE | NAME OR RECEIPT NO. | REC. | DISB. |
| J.S. 5 mailed 10-1-69 | Clerk | 9-26-69 | Levy | 15 00 | |
| | | 10-2-69 | CD 15 | | 15 00 |
| | | 5-24-71 | Jessup | 5 00 | |
| J.S. 6 mailed 5-1-71 | Marshal | 5-27-71 | C.D.No.52 | | 5 00 |
| Basis of Action: Money judgment and performance of written agreement | Docket fee | | | | |
| | Witness fees | | | | |
| Action arose at: Tulsa County | Depositions | | | | |

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|----------|---|------------------------------|
| 9-26-69 | Complaint filed. Summons issued. m | |
| 10-22-69 | Return on summons, filed. Served James F. Wardell personally and Herman E. Taylor by serving James F. Wardell, Agent, in Amarillo, Texas, on 10-17-69. (Fees: \$9.20)m | |
| 10-31-69 | Alias summons issued to Herman E. Taylor. g | |
| 11-6-69 | Answer of defts James F. Wardell and Herman E. Taylor, filed. m | |
| 11-19-69 | Summons returned & filed: served Herman E. Taylor at 4017 49th St., Amarillo, Texas on 11-14-69. (USM \$5.20)g | |
| 1-6-70 | Minute Order: Parties directed to hold pre-trial prior to 2-6-70, and file pre-trial order not later than 2-12-70. (AEB-J)g | |
| 3-9-70 | Order extending time to file pretrial order to 3-20-70, filed. (AEB-J)g | |
| 3-19-70 | Application for extension of time to file proposed pre-trial order of defts., filed. m | |
| 3-20-70 | Order granting parties 30 days to submit proposed pre-trial order, filed. (AEB-J) | |
| 6-4-70 | It is ordered that this case is set for Disposition on Tuesday, July 7, 1970 at 10:00 A.M. (AEB-J)v | |
| 7-7-70 | Case called for disposition. <u>Pre-trial order</u> presented, signed and filed in open court. Parties request non-jury trial, case to be set on next non-jury docket, and stricken from disposition docket of this date. (AEB-J)h | |
| 8-28-70 | Minute Order: It is ordered by the court that this case is set for non-jury trial on Tuesday, September 1, 1970 at 10:00 A.M. (AEB-J)h | |
| 8-31-70 | Case stricken from non-jury docket of 9-1-70 at request of plaintiff, to be reset. (AEB-J)h | |
| 11-16-70 | Case set for N/J Trial on Monday, 12-7-70 at 10:00 A.M. (AEB-J)h | |
| 12-7-70 | Case called for Non-Jury Trial. Parties present. At Defendant's request, case stricken from docket of this date, to be reset before Jan. 15, 1971. (AEB-J)h | |
| 2-5-71 | Case set for non-jury trial at 10:00 a.m. Mar. 16, 1971. (AEB-J)m | |
| 3-9-71 | Plaintiff's proposed pre-trial order, filed. b | |
| 3-16-71 | Return on subpoena duces tecum filed. Served James Miller, Office Mgr. at Tulsa, Oklahoma on 3-15-71. \$2.24 ds | |
| 3-16-71 | Case called for trial by Court. Parties announce ready. Court takes ruling under advisement. (AEB-J)h | |
| 3-17-71 | Parties present as heretofore. Plaintiff granted leave to file motion for judgment. (AEB-J)h | |
| 3-17-71 | Exhibits in Exhibit room.h | |
| 4-23-71 | Findings of Fact and Conclusions of Law, filed. (AEB-J)r | |
| 4-23-71 | Judgment that plaintiff's recover of Defts, James F. Wardell & Herman E. Tayloe the sum of \$88,533.43 with interest at the rate of 6% per annum from April 30, 1969 to Marcy 16, 1971 and 10% per annum from March 16, 1971 as provided by law and costs of this action. Filed and Entered. (AEB-J)r | |
| 5-24-71 | Notice of appeal by defendants, filed. copies to USCA, Louis Levy, & John R. Cain. g | |
| 6-8-71 | Bond on appeal (cash), filed. g | |
| 6-25-71 | Application for extension of time for transmission of the record upon appeal, filed. m | |
| 6-28-71 | Order extending time to docket appeal to Aug. 22, 1971, filed. (AEB-J)g (cpy to USCA, J. Jessup, Louis Levy & John R. Cain.) | |
| 8-16-71 | Transcript of proceedings on 7-7-70, hearing on failure to file pre-trial order. (LEM-CSR)g | |
| 8-16-71 | Transcript on proceedings on 12-7-70, case called for non-jury trial, filed. (LEM-CSR)g | |

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| 8-16-71 | Transcript of non-jury trial proceedings on 3-16-71, filed. (LEM-CSR)g | |
| 8-17-71 | Appeal record (5 vols.) forwarded to USCA, Denver. g | |
| 10-2-72 | Mandate of USCA affirming judgment of 4-23-71, filed and spread of record. g | |
| 10-2-72 | Appeal record (5 vols.) received from USCA. g | |
| 10-5-72 | Opinion of USCA, filed. g | |
| 10-19-73 | Order of disbursement filed. It is ordered that the Clerk refund to Boone, Ellison & Smith the cash bond through Jms. Jessup on behalf of defs Jms. Wardell and Herman Taylor and same defs be discharged as principals and sureties.(AEB-J)h <i>Copies mailed</i> | |
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